



Town of New Windsor

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OFFICE OF THE PLANNING BOARD WEDNESDAY, JUNE 14, 2006— 7:30 PM TENTATIVE AGENDA

CALL TO ORDER

ROLL CALL

APPROVAL OF MINUTES DATED:

APRIL 26, 2006; MAY 10, 2006 & MAY 24, 2006

ANNUAL MOBILE HOME PARK REVIEW:

- a. HUDSON VIEW MOBILE HOME PARK
- b. PARADISE MOBILE HOME PARK

PUBLIC HEARINGS:

1. SHADOW FAX RUN SUBDIVISION (03-23) JACKSON AVENUE
(CLEARWATER) Proposed 22-lot residential subdivision

REGULAR ITEMS:

2. MICHAEL BLYTHE LOT LINE CHANGE (05-34) JACKSON AVENUE
(CUOMO) Residential Lot Line Change.
3. TOM YU SITE PLAN AMENDMENT (06-16) RT. 32 VAILS GATE (DE KAY)
Proposed change of retail establishment to eating establishment with 15 seats.
4. MC ARDLE / MELROSE LOT LINE CHANGE (06-17) FORGE HILL ROAD

DISCUSSION

5. RAKOWIECKI SUBDIVISION (01-26) Discussion

CORRESPONDENCE:

6. QUICK CHEK – REQUEST FOR 90-DAY EXTENSION

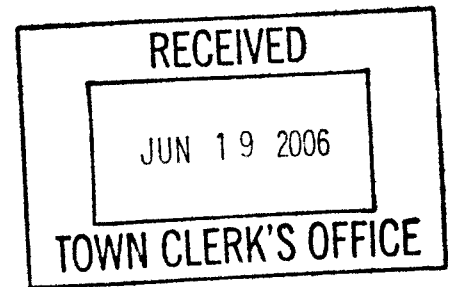
ADJOURNMENT

(NEXT MEETING – JUNE 28, 2006)

June 14, 2006

1

TOWN OF NEW WINDSOR
PLANNING BOARD
JUNE 14, 2006



MEMBERS PRESENT: JERRY ARGENIO, CHAIRMAN
HENRY VAN LEEUWEN
HOWARD BROWN
JOSEPH MINUTA
DANIEL GALLAGHER

ALTERNATES: HENRY SCHEIBLE

ALSO PRESENT: MARK EDSALL, P.E.
PLANNING BOARD ENGINEER

MICHAEL BABCOCK
BUILDING INSPECTOR

MYRA MASON
PLANNING BOARD SECRETARY

ANDREW KRIEGER, ESQ.
PLANNING BOARD ATTORNEY

ABSENT: NEIL SCHLESINGER

MR. ARGENIO: I'd like to call to order the June 14,
2006 meeting of the New Windsor Planning Board. Please
stand for the Pledge of Allegiance.

(Whereupon, the Pledge of Allegiance was
recited.)

MR. ARGENIO: With us tonight is Mike Babcock, Building Inspector, Mark Edsall, Town Engineer, Franny is here, we're going to call Mr. Gallagher up to replace Mr. Schlesinger because he will not be here this evening. And I also would like to welcome Hank Scheible here with us this evening, he's going to serve as an alternate, Mr. Brown, Mr. Minuta and Mr. Van Lueewen.

APPROVAL_OF_MINUTES_DATED_APRIL_26,_2006,_MAY_10,_2006_

AND_MAY_24,_2006

MR. ARGENIO: First is the approval of the minutes dated April 26, May 10 and May 24, 2006, unless anybody takes any exception to anything contained in the minutes, I'll accept a motion to approve.

MR. MINUTA: So moved.

MR. GALLAGHER: Second it.

MR. ARGENIO: Motion has been made and seconded that the New Windsor Planning Board accept the minutes as written for April 26, May 10 and May 24, 2006. If there's no further discussion from the board members, roll call.

ROLL CALL

MR. GALLAGHER	AYE
MR. BROWN	AYE
MR. MINUTA	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

June 14, 2006

3

ANNUAL_MOBILE_HOME_PARK_REVIEWS:

HUDSON_VIEW_MOBILE_HOME_PARK

MR. ARGENIO: Hudson View Mobile Home Park, somebody here to represent this? Mike, somebody from your office been there?

MR. BABCOCK: Yes, we have, Mr. Chairman, and everything is fine.

MR. ARGENIO: What's your name?

MS. CORNELL: June Cornell, I'm here for Mrs. Toback.

MR. ARGENIO: I have an inspection sheet that indicates the same. Ma'am, do you have a check for \$135?

MS. CORNELL: Yes.

MR. ARGENIO: If nobody has anything else, I will accept a motion that we extend their use permit for one year.

MR. GALLAGHER: Make a motion that we extend the Hudson View Mobile Home Park.

MR. VAN LEEUWEN: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board grant a one year extension to Hudson View Mobile Home Park. No further discussion, roll call.

ROLL CALL

MR. GALLAGHER	AYE
MR. BROWN	AYE
MR. MINUTA	AYE
MR. VAN LEEUWEN	AYE

June 14, 2006

4

MR. ARGENIO

AYE

June 14, 2006

5

PARADISE_MOBILE_HOME_PARK

MR. ARGENIO: Paradise Mobile Home Park, somebody here to represent this? Mike, can you tell me about this?

MR. BABCOCK: Yes, we've been there and inspected and everything is fine there also, Mr. Chairman.

MR. VAN LEEUWEN: Two in a row.

MR. ARGENIO: Sir, what's your name for the record?

MR. MANNIX: Ken Mannix.

MR. ARGENIO: Do you have a check made out to the Town of New Windsor \$190?

MR. MANNIX: Yes.

MR. ARGENIO: Unless anybody has any comment, I'll accept a motion.

MR. VAN LEEUWEN: So moved.

MR. MINUTA: Second it.

MR. ARGENIO: Motion has been made and seconded that the New Windsor Planning Board extend the special use permit for the Paradise Mobile Home Park for one year. If there's no further discussion from the board members, roll call.

ROLL CALL

MR. GALLAGHER	AYE
MR. BROWN	AYE
MR. MINUTA	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

PUBLIC_HEARINGS:

SHADOW_FAX_RUN_SUBDIVISION_(03-23)

Mr. James Clearwater appeared before the board for this proposal.

MR. ARGENIO: Application proposes subdivision of 70 plus or minus acre parcel into 19, what does mean, Mark, 19, 22 single family residential lots?

MR. EDSALL: It's 19, was 22.

MR. ARGENIO: It's 19 lots. The plan was previously reviewed at the 23 July, 2003 meeting, 25 February, 2004, 12 May, 2004 9 March, 2005, 25 May, 2005, 27 July, 2005 and 22 February, 2006 planning board meetings. Application is before the board tonight for preliminary public hearing. I see Mr. Clearwater has approached the dais. For those of you who are not familiar with the procedure what we're on doing is the board's going to hear Mr. Clearwater's information, he's going to tell us what's changed since the last time he's been here and give us a status update. Then we're going to open this up to the public then we'll have the opportunity to review it again as a Town of New Windsor Planning Board. Mr. Clearwater, the floor is yours.

MR. CLEARWATER: Okay, for the benefit of the board and any of the public who's here for this project, this is a 70 acre site located on the east side of Jackson Avenue across the road from the stone house owned by John Waugh and his sister. It's proposed to divide the 70 acres into 19 single family residential lots. The site is impacted by both Federal wetlands and New York State DEC wetlands, the Army Corps wetlands is restricted to a small area in the back and small area in the center of the site, the rest of the wetlands outlined in dark green is DEC wetlands. Of course the

DEC wetlands has 100 foot adjacent area which is restricted to exclude any development, we went round and round with the DEC and the Army Corps with the wetlands and after much discussion and also with the Town of New Windsor Highway Department the end result was that we'll cross the wetlands at the most narrow point to reach the upland in the back. In order to access Jackson Avenue where we cross the wetlands at the most narrow point it's necessary for us to rebuild a stretch of Jackson Avenue to achieve the required sight distance left and right when you pull out. All 19 lots are served by well and septic. Beyond that, there's no really nothing unusual here.

MR. ARGENIO: Okay.

MR. CLEARWATER: Any questions that you have?

MR. ARGENIO: We've seen this quite a few times, I know I've seen this since day one, I think the other members have seen it a few times. Hank, go ahead, I don't really have anything specific.

MR. VAN LEEUWEN: On that map where is the Waugh house?

MR. CLEARWATER: It's over here, this is the stone house on the west side and he's got a green barn there, the only house that's immediately adjacent is Bill Steidle's house which is here and his red barn.

MR. GALLAGHER: This plan hasn't changed since the last time?

MR. CLEARWATER: No.

MR. ARGENIO: There's some things we're going to talk about after the public hearing about the alignment and some different things, but I certainly would like to hear from the public and you've talked about a lot of issues relative to this plan, a lot of issues and I

think we finally have settled in on something that makes sense. I don't know if it works for everybody but makes sense from where I'm standing. Joe, did you have anything you wanted to ask about this before we open this thing up?

MR. MINUTA: Not at this time, just like to hear from the public, see what they have to say and can I ask you to turn that a little bit towards me.

MR. CLEARWATER: Sure, I might add one thing I should of added before, the applicant has restricted the entire frontage for 200 feet depth, granted there's wetlands also but restricted 200 feet to no development.

MR. VAN LEEUWEN: There's a stream that runs through there.

MR. CLEARWATER: There's wetlands that impacted also but he's to provide extra protection.

MR. ARGENIO: It's very low, Henry.

MR. VAN LEEUWEN: I know, there's a stream that runs right through there.

MR. ARGENIO: On the 25 day of May, 2006, 17 addressed envelopes went out to adjacent property owners announcing the public hearing this evening. If there's anybody here that would like to speak for or against or comment on this application, please raise your hand and be recognized by the chairman and you'll be given the opportunity to speak. What I want to make sure is certainly there's pertinent issues and the purpose of this public hearing is for us to get input from the public so we can make the best decision on behalf of the Town. What I don't want to do, I don't want to go over the same thing time and time again, so certainly we want to hear from everybody but we want to keep

things flowing so if you have comment on a different subject or something additional by all means we want to hear from you. Anybody want to speak? We're going to give Mr. Steidle the chance to speak first because I'm sure he's going to cover a lot of ground. Bill, would you please sign in make sure we have your name and your address there please? The record should also reflect that I am in receipt of a letter from Mr. Steidle which was received in the Town Hall today and I'm certainly not prepared to dissect the letter paragraph at a time and have a discussion about it because I just received it in the past half an hour. So Mr. Steidle?

MR. STEIDLE: I appreciate the opportunity to speak tonight. My name is Bill Steidle, I own and operate Pine View Farm located at 575 Jackson Avenue, the farm abuts the south side of the development site. At the onset, I want to make it clear that I don't oppose development, I don't oppose this development. In fact, the vast majority of the development is acceptable to me. I have no problems with the owner seller, cashing in, I have no problems with the developer making a fair return. I do however have opposition to three aspects of the project, relatively limited aspects of the project and I'd like to go into each of those if I might. The first I object to locating the entrance to this project in an area that has insufficient sight distance, thereby necessitating modifications, extensive modifications to Jackson Avenue. I will go into that in a moment. I oppose the development on lot number 1, lot number 1 contains a major power line easement, the house proposed on lot number 1 is about 3 feet from that Central Hudson easement and I will tell about that easement in a moment. I'm also opposed to inappropriate facilities, facilities that are inappropriate for the rural residential zoning, the site is located in an agricultural district, has been in an AG district since 1971, it's one of New Windsor's few remaining rural areas. I object to sidewalks located in a rural area such as that. It's an

unnecessary expense for the developer and unnecessary expense for the taxpayers in New Windsor. It's unclear what's been proposed in the way of lighting but if there are street lights ultimately proposed I would vehemently object to that as well. Let me first talk about the Jackson Avenue work, Jim mentioned it a bit but let me make it clear the activities on Jackson Avenue affect 1,200 feet of Jackson Avenue including work in front of both my house and my barn, it involves the relocation of 1,000 feet of Jackson Avenue, 600 feet within that 1,000 foot stretch is within an entirely new right-of-way, in other words, it's off the existing Jackson Avenue path. The work involves also the removal, the hedge row on the east side of Jackson Avenue, that hedge row is Town property, consists of old red cedar mixed with hardwoods and provides a screening, it provides an esthetically pleasing view for people that drive Jackson Avenue, the cedars along Jackson are the reason people like the road. I will tell you that in my opinion the plan to modify Jackson Avenue is a once in a lifetime plan, you won't see it again as long as you sit on that board you will not see a plan to relocate 1,000 feet of Jackson Avenue for a residential subdivision. I particularly object to that location because there are alternatives which are suitable for the entrance though those alternatives may be near the seller's house but I think that in fairness, if all things were equality, might not be unreasonable to put the roadway away from the existing house but things are not equal, there's adequate sight distance in the long straight stretch near the seller's house and there are adequate means to provide access to the site. It has been said that there's flooding on Jackson Avenue, I'm well aware of the situation, my family's been there 100 years, I drove to New Paltz by this site for 31 years day and night, Jackson Avenue does not have a flooding problem, I tell you, ask George Green, ask Anthony Fayo, ask any of the people that have lived there, there's people on that road that have been there as long as I have and you will not, you

won't, you will find that there is no flooding problem on Jackson Avenue. Wetlands, there are wetlands, more characteristic it happens that I worked for New York State DEC for 30 years, I worked in the Wetlands Protection Program, I was a Deputy Permit Administrator with DEC, I worked in the program since the Wetlands Law was enacted September 1, 1975. Attached to my letter is a letter from DEC dated October 20, 2005, it sets forth the DEC's position. There are a number of alternatives that could be acceptable for this project and I think the letter speaks for itself. Now one might say what difference does it make if we move Jackson Avenue, it makes a great deal of difference to me, my farm is there, the hedge row that would be removed and it's on Town property provides screening for my farm, screens the development site, it is of the utmost importance to me and I suspect each of us have trees and shrubs and screens that are important to us as well. So I would just ask that you put yourself in my shoes in that regard. Jackson Avenue modifications would also affect those that drive the road and those that pay for the road, it's a Town road and I think it's inappropriate for a developer to adversely affect that Town road. I'd like to now just speak a little bit about lot number 1. Lot number 1 contains Central Hudson easements, the older easement is 150 feet wide, contains a major power transmission line that feeds eastern Orange County, sole source of electricity to the Union Avenue substation which has just been doubled in size. A more recent Central Hudson easement was added, that easement contains a line to Stewart Airport, provides power to the can factory that's a major easement, it's one that undoubtedly will be enlarged and increased in use at Stewart and as eastern Orange County expands. The house is located 3 feet from that easement, person who buys that house will walk out the back door, will be in Central Hudson's easement. I don't mean this in a derogatory manner at all but to me that is the worst of the worst in design, it's the worst of the worst in planning and the

motivation is the worst of the worst. My review of the subdivision plans also indicates that my belief at least that the lot does not meet the minimum net area requirement buildable areas, the applicant failed to subtract the easement area from the lot area. I think if you do that, you will find that the lot does not meet the minimum requirements.

MR. ARGENIO: Mark, would you check that?

MR. EDSALL: It's one of my comments that they need to make sure that they're all subtracted.

MR. STEIDLE: I will tell you one thing, I looked at, I saw, I came to a planning board meeting a while back and there was another plan that was along power line easements, happened to be Hank VanLeeuwen's plan, so I went in under FOIL and Myra was nice enough to give me the file and that plan has a number of differences, number one, the plan appropriately subtracts the easement from the buildable area.

MR. ARGENIO: Bill, I don't want to interrupt you cause you have a good roll going there but if Mark has that as a comment, I mean, that's, let's not even go there.

MR. STEIDLE: Number 2 in the VanLeeuwen subdivision one house is 90 feet from the easement, the other house is 100 feet, it's 30 to 33 paces, that strikes me as being within the realm of being reasonable, 3 feet however is not reasonable. Now, I will also say that in my opinion that's a once in a lifetime plan, I don't think any of you gentlemen will ever see another plan that shows a house that close to a major power line easement, you will not see it, I haven't seen it in 30 years and you will not see it. I would ask that you consider modifications to that, if the lot were deleted, it would certainly make the project, greatly reduce the impacts on Jackson Avenue and on my farm. Sidewalks and other things it's as I stated I believe

are inappropriate in a rural residential zone and I think through the master plan process those types of inappropriate facilities will go by the wayside. I certainly hope so. Now, I just want to make it clear where I'm coming from so everybody understands the applicant and the seller and the board, if you were to look at the Orange County Open Space Plan, you'd see a little blotch of green on Jackson Avenue, that little blotch of green and there's no green anywhere near it, that little blotch of green is Pine View Farm, it's my farm, it's a blotch of green on the open space plan because there's an easement held by the Orange County Land Trust that protects that farm in perpetuity, the farm can never be developed, it will never be developed, no residential, no commercial, no industrial development can occur on that farm during my lifetime, after my lifetime, after the Steidles are gone from the site. When my wife and I signed the easement, we recognized that the value of the property would be reduced substantially because the development rights were no longer there. We took that chance in the hopes that the areas that surround the farm would be appropriately planned and developed and if there's appropriate development that's not a problem the farm would maintain its value as open space and as agricultural for its agricultural use. I would do everything in my power to protect that farm, make no mistake the farm when we signed that easement I made it very clear to my family that during my lifetime that farm would be protected to the extent it's possible. Now, the other thing that's unique about that farm is for the last quarter of a century it's operated as a choose and cut Christmas tree farm, one of the nicest you'll find in the Hudson Valley, there will be a growers' meeting in July from Orange, Ulster and Dutchess, the farm was chosen because it's one of the best and things like sidewalks and street lights and removal of hedgerows and trees detracts from that use and would adversely affect that facility. And that's to the detriment of New Windsor and to the detriment of

my farm. Now in closing I will say there are answers, I believe, I don't consider myself to be unreasonable, Jim may but I think if we were to sit down we probably would not be so far apart in things. There are answers, my hope from day one was that this project would be a win-win situation for everybody, I have no problems with the development, I have no problems with 18 lots, 18 of the 19 lots are acceptable.

MR. ARGENIO: Bill, other people are going to want to talk, I'm not going to cut you off, what I am going to say is if you do have some suggestions throw 'em out there.

MR. STEIDLE: My suggestions are modify the entrance road, delete lot number 1, delete sidewalks and other things.

MR. ARGENIO: And lights.

MR. STEIDLE: And lights. And that's about it. I would just ask that you give due consideration to me, give me the same consideration that you give to the developer, act in fairness, evaluate the alternatives and do something that will cause a win-win for everybody.

MR. ARGENIO: Thank you, Bill.

MR. MINUTA: I do have one question for Mr. Steidle. I'm just looking for your position on zero setback cutoff lights that are dark sky compatible and are approved for street lights.

MR. STEIDLE: Well now you're more knowledgeable than I am and there's no question.

MR. MINUTA: In effect they eliminate the luminescence upwards providing you a dark sky where you're in the middle of a wooded area and I think I've gone up there

myself and I think we're all in kind to that, however, you know, lighting being as it is in a neighborhood maybe something from a safety standpoint, however, the zero cutoff or zero setback lights provide the opportunity to light the ground below and illuminating a great majority of the luminescence from going into the sky.

MR. ARGENIO: Joe, just for your benefit prior to your being sitting up here on the board there have been some subdivisions out in the rural areas of the Town, the west end of Town and typically what we have done and I'm not saying that's what we're going to do here but certainly it's an option, what we have done is the applicant has worked with Mark, we have reduced the lighting to the absolute minimum allowed by law and this board has tended to agree with Mr. Steidle in that sense and certainly when the time comes if we get the lighting down to the minimum that's allowed by law certainly we can talk about those type of fixtures but the board goes the same direction as Bill on this.

MR. MINUTA: I'm not formulating an opinion as of yet but I'd just like to understand what your opinion might be on that particular subject should that come up.

MR. STEIDLE: What I will say in response is that that type of thing is good in commercial settings and whatnot. My belief on these subdivisions and talking high end development, talking nice lots here, these people are going to have fairly nice homes, they all have homes that you drive in and lights go on and, I mean, my farm, I have no outside lighting whatsoever, it's a farmhouse, it's 125 years old, there's no lights but you go to these places, lights are not a problem, there's lights everywhere.

MR. ARGENIO: Let's give somebody else a chance now, Bill has been afforded quite an opportunity to talk here and covered a lot of ground and I did that because

his presentation as evidenced by tonight is intelligent, it's well thought out as it was tonight and he covered a lot of ground.

MR. VAN LEEUWEN: I have a question for Bill. Bill, does this have anything to do with the bend just above your house, will that take the bend out?

MR. STEIDLE: No, the Jackson Avenue people that were looking at reconstruction had no work proposed.

MR. VAN LEEUWEN: That's a dangerous curve, this doesn't touch that curve?

MR. STEIDLE: No.

MR. ARGENIO: Who else would like to speak? Thank you, Bill.

MR. STEIDLE: Thank you very much, appreciate it.

MR. KELLY: My name is Shawn Kelly, 399 Jackson, I haven't seen any rendition of the way it's going to look after the fact, we heard they're going to take out 1,000 feet of Jackson but nobody is going to show us what it's going to look like later so they can have an open book, open ticket to whatever they want to make it look like. Prior to all this, there was signs along that road that said no spraying, no this, no that, now we're going to rip 1,000 feet of the road, that was by the owner of the property, now we're going to rip 1,000 feet of the road out, destroy the landscape and nobody is going to even show us what it's going to look like. Does anybody have a picture of what it's going to look like afterwards? Has anybody been there?

MR. ARGENIO: I know I've been there, I've done site visits with Neil and some of the other board members are going to be there but that's something we can look at. Mark?

MR. EDSALL: The plans submitted include--

MR. KELLY: The other question I have I heard this gentleman say--

MR. ARGENIO: Hold on one second.

MR. EDSALL: I was saying the package of plans for the public hearing included a plan showing the relocation and showing proposed profile. I'm not saying that we're in agreement with it but that information as they're proposing it is part of the plans that are available for comment tonight.

MR. KELLY: So we're going to have a picture of the way it's supposed to look, the elevations and everything afterwards?

MR. EDSALL: Got that already, you've got a profile and plan, no pictures, we typically don't get pictures but we get a plan and a profile and that's part of the package for tonight.

MR. KELLY: Because if you really look at that grading where that rises over that 1,000 feet out, I don't know how much of a sight distance you're going to gain on that and that's removal of a lot of history and I purchased property on that road and others have because of the character of the road. Now if we just start to decide that any time we're going to make a development and just don't have the right entrance that suits everybody we're just going to start tearing Town roads apart. I don't think that's good, that's not progress, I think if we go back and look at this, I remember the gentleman saying he went round and round with the DEC, said no way, Bill has a letter that's different. I would like what the DEC says that that roadway can go directly across from Mr. Waugh's house where there's been a road there since the farmers came in this Town

and I watched cars go up and down it, there's never any flooding at that point ever, that road is being totally ignored for one reason so they don't want it to come out by this house. And now if you're going to shift the variance and say because he doesn't want the road there let's put it here that's fine but rip out 1,000 feet of road I invite the board to come there, I'll show them the roadway into that place, it's solid and sounds, this is just like, I can't even believe this is going to occur. All right, thank you.

MR. ARGENIO: Who else?

MR. LULVES: Jim Lulves, 363 Jackson Avenue, resident there since 1980. I'm a good friend of Bill Steidle, I met bill in '79, '80 when I first built a house off Jackson Avenue. I won't try to add anything to his presentation, obviously it's an excellent one, he's done a lot of work, spent a lot of time, I'm assuming a lot of money to put together the facts. I can't agree with him more about the actual nature of Jackson Avenue, those of us that have moved there have tended to stay a long time because we love the road, we love the way it looks, we like the area and it's kind of a rare commodity in Orange County these days and to change it as we're proposing I think injures the road and injures the way we think about it, I think the area needs to be preserved as much as possible. Again, none of us have any qualms with the individuals selling their property, they can do that because it's the legal thing to do and should be done if necessary but Bill makes very valid points about what he's done with his farm in the attempt to keep that rural nature.

MR. ARGENIO: He usually does, Bill Steidle makes very valid points.

MR. LULVES: And I think we should give it all the consideration that it's due. I know this has been a long time in developing, I don't think we should rush

to judgment and I trust that you will all do the right thing. Thank you for your time.

MR. ARGENIO: Anybody else like to speak for or against?

MR. SIDOTI: Peter Sidoti, 413 Jackson Avenue. I have just a couple things, I know that you said that there's a print and profiles but I would like to see a rendering, I think it would go a long way to say what this is going to look like when it's completed. And the only other thing I'd like to mention I'd like to have the trees replaced, I know it's hard to replace 50 year old trees but the cover replaced.

MR. ARGENIO: You'd like an effort made.

MR. SIDOTI: Definitely.

MR. ARGENIO: Thank you. Anybody else? Yes, sir?

MR. WAUGH: I'm the owner and my sister, John Waugh. I have lived here for since 1948 and I appreciate the concerns but in 1948 or thereafter as I was growing up Jackson Avenue was a dirt road, very narrow and a beautiful road but, you know, I guess if I had opposed changing it from a dirt road, it just, it hasn't happened and it wouldn't have happened. I don't believe that preservation of the appearance of a road should be a determination factor on whether a person can do what they have a legal right to do with their own property or not. There are issues here, I'm on a different side than Bill and he has his issues, I have my issues, I think that we can both make valid cases, I'm not going to take a lot of time here but basically I would just like to be able to do with my and my sister's property what we have a legal right to do and there are many developments along Jackson Avenue that have been coming along and there's some new ones and I don't think this is anything special, I think that

thousand feet actually would make Jackson Avenue a much safer road because that area despite that other little turn that wouldn't be changed that's a very limited sight distance and this would improve it.

MR. ARGENIO: Thank you. Anybody else?

MS. SCHYORRING: Maureen Schyorrning, Oxford Road. I do not live on Jackson Avenue but I enjoy driving on Jackson Avenue as it is and I would have a question. I have no objection to anybody developing their property but does that mean that the person owns the road in front of it? I don't own the road in front of my house and I wouldn't like to see the road changed the way it is and I wouldn't like to see Jackson Avenue changed. It's a 40 mile an hour road now and if you flatten it out a bit, it's going to be another speedway in the Town of New Windsor because I live with that daily on Oxford Road which is a circle and trying to get off it onto Union Avenue. So I see that changing this road is not going to do anything for the rest of the residents of the Town of New Windsor and I think I speak for them. I'll sign in.

MR. ARGENIO: Thank you, ma'am. Mrs. Schyorrning, did you have something else?

MS. SCHYORRING: No, that's all I have.

MR. CORDISCO: Mr. Chairman, members of the board, I'm here at the request of Mr. Steidle and I realize he's already given a lengthy presentation, I want to add a couple brief points and background if I may with the indulgence of the board. I worked for Bill in connection with the conservation easement with the Orange County Land Trust and Mr. Steidle's a friend of my office and I had the pleasure of working with him at the Department of Environmental Conservation, so that's really why I'm here tonight. The only points that I'd like to emphasize in connection with what and in

addition to what Bill said is that there's a couple things that I think that procedurally you have to consider as a board, I know for one that Jackson Avenue is being studied by the Town for improvements. It's my understanding that this stretch of road has already been studied and that there are no improvements being proposed by the Town. So in a very real sense, it's not as if these sight line distances are necessary to make Jackson Avenue any safer, it's really only to serve in my mind this particular subdivision. And I think that in regards to SEQRA, the board I'm sure understands that it has to take a hard look at this particular project and I certainly think that the plans have been before the board for a very long time and I recognize that however it appears to me that what the board has been seeing is variations, slight variations on the same plan that requires such a drastic realignment of Jackson Avenue and that there hasn't really been any significant exploration of alternatives. And before the board can adopt a negative declaration, you have to find that there are no significant adverse impacts and I think from the comments tonight that it's pretty obvious you don't need a planner to tell you that there are significant impacts that are being proposed for Jackson Avenue here. I thank you for the board's consideration.

MR. ARGENIO: Thank you, Mr. Cordisco. Anybody else?

MS. JONES: Rebecca Jones, I have a letter from Diane Newlander that I'd like to read. To the New Windsor Planning Board: Regarding the Shadow Fox Run Subdivision. First I'd like to make it clear that I do not object to the development of this property. However, I strongly object to any modifications to Jackson Avenue. As a public road, Jackson Avenue should not be subject to change for reasons that are not in the best interest of the Town of New Windsor. There are viable alternatives that should be considered. Furthermore, I feel that moving a public

road maintained by local taxpayers for any reason other than for the safety and welfare of the public sets a dangerous precedent and should not be allowed. The public depends on you the planning board to look out for the public interests, not the interests of developers, private developers. I also feel that since the comprehensive plan process is about to begin, no new approvals of projects of this size should be given until the comprehensive plan is complete. Thank you. Diane Newlander. Would you like the letter?

MR. ARGENIO: Thank you. Anybody else? Okay, no hands I'll accept a motion. One more.

MS. MAXWELL: Fran Maxwell. My only suggestion would be especially with removing of these, very old long foot of cedars you're going to already strip that whole forested which is a mix trees and so forth, to build this development if you take also the cedar line off that road the northern winds when they come sweeping down with their snows you're breaking what is a natural snow fence, you'll be breaking that and you may be causing all sorts of problems to Jackson.

MR. ARGENIO: Those are the kinds of comments that we greatly value. Thank you, ma'am.

MS. SHAPIRO: Fran Shapiro, New Windsor, New York. I think Bill made an excellent presentation, you all agree with that. My comment is is that I would hope the folks in New Windsor would follow Bill's lead with the open space on his land rather than making detriments to the community.

MR. ARGENIO: Miss Shapiro, I appreciate that.

MS. SHAPIRO: Thank you.

MR. ARGENIO: I was going to try to keep the comments relegated to this application. Thank you very much.

Thank you. Seeing as there's no more hands, I will certainly--

MR. VAN LEEUWEN: So moved.

MR. GALLAGHER: Second it.

MR. ARGENIO: Motion has been made and seconded that the New Windsor Planning Board close the public hearing on Shadow Fax Run development major subdivision. No further discussion from the board members, I'll have a roll call.

ROLL CALL

MR. GALLAGHER AYE

MR. BROWN AYE

MR. MINUTA: I do have a comment.

MR. ARGENIO: You can certainly comment, I'm asking you if you're voting to close the public hearing or not.

MR. MINUTA: My answer is going to be no.

ROLL CALL (CONTINUED)

MR. VAN LEEUWEN AYE

MR. ARGENIO AYE

MR. ARGENIO: The public hearing has been closed. I'd like you, Mr. Clearwater to turn that back to the planning board and we're going to talk about this thing. First of all, I do want to say something and I'm not going to, I can't speak for everybody but I can tell you, I can say I want to tell you how I feel and this is for the public and for the applicant. I certainly respect Mr. Steidle's comments and the things that he says, he's been in that audience for a good long time and he's one, he has one position, many times

had a different position but certainly been very respectful in his comments that he made are most often well thought out and well presented, for that I'm grateful. But I want to tell you this, Mr. Waugh has the right to develop his property, he has the right to sell it, he has the right to develop this property. We sit here as a planning board, what we're charged to do to that end Mr. Waugh developing his property is we have the obligation not only do we have the right to but we have the obligation to the people in this room and the people of the Town to see to it that he does it in a responsible fashion, trying to find a medium somewhere between Mr. Steidle's position, everybody else's position and the applicant's position. So that's what we try to do and we appreciate comments like the lady here made about the cedar trees and the wind and certainly the landscaping is something that normally we don't talk about in a subdivision this early on and realignment of the road but maybe in this venue it might be something that we'll appropriately speak of at some point in time. So having said that, I certainly am going to go through Mark's comments in a minute but I certainly would value the comments from my other board members and then I'm going to go through some of Mark's comments because I want the applicant, I want to hear from the applicant on some of Mark's comments. I'll open it up to the board at this time.

MR. VAN LEEUWEN: Mr. Chairman, I kind of agree with Bill regarding his house being that close to the easement, okay.

MR. ARGENIO: The house on lot 1?

MR. VAN LEEUWEN: On lot 1. I'd like to see that moved because that's tight, four or five foot from an easement is not a good idea, should been at least 50 or 100, I don't know if they can shift it or not.

MR. ARGENIO: Mr. Clearwater, is that something that

you can look at?

MR. CLEARWATER: I'll take a look but you can't move it 50 or 100 feet away from the line.

MR. ARGENIO: He said three foot is too tight, typically, he's more comfortable with 50 or 100, can you look at that and see if that home can be, certainly we can see 50 or 100 will not work. If any of the board members have something to add, you certainly can just chime in. Joe, you seem to have something on your mind.

MR. MINUTA: Yes, I'm in agreement with Mr. VanLeeuwen and Mr. Steidle with the setback issue on high power lines and as I brought up in other meetings with regard to development of this type I would also like to see there be a responsibility of proper sighting of the homes or potential additions future use of the occupants as we have on other projects to make sure that they're sighted in a location that's not going to inhibit them from expanding onto their home in a reasonable fashion without having to go before the zoning board or I have not seen plans, obviously, it's early in the stage to see plans, we have some preliminary layouts, however, based on plans of a house sometimes it's more difficult to expand to the left than it is to the right due to function and I'd like to see that as thoughtfully inferred here. The second thing I think it was very good observation on two requests from the public to see the roadway of before and after, that's certainly a viable option, I've done it before, I've seen it done before, monopoles, et cetera, these are much smaller sites with a lot less significance showing before and after pictures of trees that are removed versus what it would look like prior with the trees existing and after with them clear cut and how that will lay out. It's a very important thing to travel along this road that would be deviated by changing the roadway, I'd like to see how that would

affect the public view of that. I don't know that lighting, roadway lighting is necessary or required at this point in time, I'm not opposed to it either way, I'd like to make the suggestion that if it's provided that we do look at a zero setback type of light with a zero cutoff that are dark sky approved.

MR. ARGENIO: Mark, can you give us some input on the lighting requirements here?

MR. EDSALL: The Town Law as it's written today requires lighting, there are some provisions that give some flexibility as to reducing the number of lights as far as the modifying the type of lights the code is set up to match the lighting that's available from Central Hudson, that's the way the Town operates their lighting facilities throughout the Town. So Mr. Steidle's comments are very much understood by myself and in similar cases the highway superintendent has gone, bent over backwards to reduce the amount of lighting tremendously to avoid problems.

MR. ARGENIO: I think it's appropriate in this area of the Town.

MR. VAN LEEUWEN: I don't like sidewalks and I don't like lighting.

MR. ARGENIO: Well, the sidewalks are not ours, that's something that we'd have to--

MR. VAN LEEUWEN: Keep it rural, folks.

MR. ARGENIO: Henry, I'm with you, you've seen my development, but it's something they have to petition the Town Board for is the sidewalks, we don't have a say in that. Mark, check that for sight distance measurements. Plan shows 4 foot high items.

MR. EDSALL: I believe there's an inconsistency in the

manner in which the sight distance was calculated versus Section 258-28 (A) of the Town Code, I'm pointing this out to Mr. Clearwater, he can doublecheck to make sure that the height of the vehicle being observed is correct at the point that they're measuring the distance that could affect the calculated sight distance as they're indicating will be resultant from the changes in the road.

MR. ARGENIO: Mr. Clearwater, I guess I can pretty comfortably say that less lighting is better for us.

MR. CLEARWATER: This plan doesn't show any lighting.

MR. ARGENIO: Understand that, you have your direction on the lighting, okay. Mark has a lot of comments here, a lot of comments and they need to be addressed. I'm sure you're going to address them. One thing I want to add to you is there's, as somebody mentioned who spoke there's a plan, I say a plan, I don't mean a piece of paper, but there's an idea in the Town we have moneys to do improvements along the length of Jackson Avenue, safety improvements and things of that nature, I don't know how far along it is, I don't, but it's very important that whatever you're proposing mesh into that.

MR. CLEARWATER: We sent this plan to Hudson Valley Engineering couple months ago, I never heard back from them for coordinated review.

MR. EDSALL: No, as a matter of fact, toward a goal of identifying what the current concept of improvement is for Jackson versus that's the Town's project versus this applicant there's been a meeting set up to discuss the two and make sure they're consistent with each other and that meeting was organized by the Town Supervisor and several people who are attending, I believe that's end of next week if I'm recalling the schedule correctly. So that's an important issue,

there's no way we can consider a road improvement plan notwithstanding all the other issues that we're aware of and we have to take into account but we have to make sure it's consistent with what the Town has on the drawing board.

MR. ARGENIO: Can you shed some light for me on the Orange County Planning Department?

MR. EDSALL: There's a I'll call it an old issue because it's kind of been bouncing around a bit for a while and that is whether or not this project needed to go to Orange County Planning. Of course as of September 2, 2004, all projects that are within the prescribed distance and within particular areas of Town and which were previously exempt from being sent because of an intermunicipality agreement with the County of Orange as of September 1, 2004, projects had to be referred back to the County. This project happens to be before the planning board for well over a year before that was put into place, notwithstanding that fact because of the concern and the obvious benefit in having some additional planning input on any project especially of this size it has been referred over to the County Planning Department so it's out there, it's questionable as to whether or not it was mandated because of the timing of the application versus when the new requirements went into effect but irregardless of the timing it has been referred over.

MR. ARGENIO: I think that's the right thing just based on what I see in the audience tonight. Cultural Resource Survey, New York State DEC Article 24 permit for fresh water wetlands, can you give me the status of any of those items, what about your SPDES, how's that?

MR. CLEARWATER: We haven't.

MR. ARGENIO: What about the first two things I mentioned?

MR. CLEARWATER: What were those?

MR. ARGENIO: Cultural Resource Survey Stage 1A and B report.

MR. CLEARWATER: Yes, it was sent to the Office of Parks, Recreation, Historic Preservation ages ago and got a letter back, it came to the Town, not to us.

MR. EDSALL: They had asked for additional information, was that ever sent back up to them?

MR. CLEARWATER: Yes.

MR. EDSALL: We need to find out.

MR. ARGENIO: This laid dormant for quite some time as you know, what about the other comment Mark has New York State DEC Article 24 permit for--

MR. EDSALL: That's just a reminder that's one of the issues they'll have to deal with.

MR. ARGENIO: Mark, do you have anything else on this application?

MR. EDSALL: No, as you indicated, I had a lot of comments and as Bill pointed out and coincidentally it's my first technical comment they have areas within easements that I see no verification that those areas have been subtracted, some lots including lot 1 where we need to verify that it meets the zoning requirements but I made that comment and I will suspect that Jim would look into it as he will all these comments.

MR. ARGENIO: One of the things that Bill mentions, Steidle, was that, you know, you make sure you do your due diligence on your sight distance, net area you're going to look at that, you have some things to do, the

public hearing is now behind us and that's good for tonight. I want you to give some consideration to some of the comments that were made tonight about the physical appearance of that area, of Jackson Avenue, when I say that, I mean two things, I mean your impact on Jackson Avenue and maybe the need for some type of I'm going to use the term landscaping but I don't know what the proper term is, some type of restoration of the green areas and not just planting perennial rye, something a little bit beyond that. I don't think we have the right to plant the Botanical, compel you to plant the Botanical Garden there but certainly based on what I heard here tonight it is a concern. I would like you to look at this hedgerow that I keep hearing about from various people, I want to know if that can be relocated or if it has to be demolished and replanted but I want you to give that some consideration because there's quite a few folks here that are concerned about that. Now I'm not giving you any specifics but I'm certainly giving you general direction, it's up to you to come up with something specific, you heard the flavor here this evening as well as I did, I think that's about as far as we can go tonight. Mark, do you have anything else?

MR. EDSALL: No, not at this time.

MR. MINUTA: If I can just on the landscaping in this case less may be more, if we not clear cut the area to do the development and just clear the areas that are required that's necessary just--

MR. ARGENTIO: Come up with something for us, Mr. Clearwater, that's fine, Joe, okay, thank you for coming in.

MR. CLEARWATER: If I may speak to a couple issues. As far as road location why it is in the location that it is if we moved this road once we moved it six times in different locations up and down Jackson at the

request--

MR. ARGENIO: You didn't hear me to tell you to move the road, did you?

MR. CLEARWATER: No, at the request of the Highway Department we moved it several times, we went to the DEC, we approached DEC, we located it in I think three different locations across the street from Mr. Waugh's house, it was rejected because it disturbs too much wetlands and because of the flood plan we have to move it up where it disturbs the least amount of wetlands, this location we submitted this plan to the New York State DEC prior to coming here, if they wanted to see it, approve it prior to us coming here, we have a letter to the effect that this is the plan that they approved the road location in this spot. They were concerned about the location of the houses with regard to the hundred foot adjacent area along the wetlands, they wanted to make sure that there was adequate area on the lots for a back yard that did not encroach into the, that would not further encroach into the adjacent area. Now it was all shown, they approved of this plan.

MR. ARGENIO: The root of Joe's comment on that is he comes from the zoning board and for years he dealt with people who want to put a deck on, they want to put an addition on, they can't do it, it's leg work that's unnecessary, proper planning is employed, I interrupted you, you can finish up.

MR. CLEARWATER: As far as the sight distance the method, the Town has one method which is in the code, we used New York State DOT method which we feel is more restrictive and requires a longer sight distance.

MR. ARGENIO: Mark?

MR. EDSALL: I was going over a note with Mike.

MR. ARGENIO: Say that again. It may not be your right to do that.

MR. CLEARWATER: The code or the requirement for the sight distance we used New York State DOT requirement for sight distance which is more restrictive than what the Town requires.

MR. EDSALL: We can look at it but as I read it that you haven't used the more conservative calculation that's called for in the Town Code, but again I need to doublecheck it with you, but maybe I'm missing something.

MR. ARGENIO: Use the Town Code. Next?

MR. CLEARWATER: As far as streetlights and the sidewalks, this plan doesn't show any streetlights pending input of everybody.

MR. ARGENIO: Now you have it.

MR. CLEARWATER: Sidewalks, depends, I show sidewalks as per code, that's basically--

MR. ARGENIO: I have a letter here I have to go through from Mr. Steidle, there may be more comments in the future. Thank you for coming in.

MR. CLEARWATER: We'll address these comments from Mr. Edsall and we'll be back. Thank you very much.

REGULAR_ITEMS:

MICHAEL_BLYTHE_LOT_LINE_CHANGE_(05-34)

Mr. Michael Blythe appeared before the board for this proposal.

MR. BLYTHE: If anyone here is interested in this, I will be glad to make sure the plan is available on my way out. For the benefit of the board, I'm Mike Blythe, I'm the owner of this property with my wife, old Bethlehem Art Gallery site. We're here tonight it's a 10 acre site, it's actually bisected, the property is actually bisected here by the Town line of Cornwall and New Windsor so it's 10 acres roughly about 4 1/2 in Cornwall, 5 1/2 in New Windsor. Because it's already two lots in New Windsor and one lot in Cornwall Cornwall side we're going for a minor subdivision, make it into two lots and on the New Windsor side since it's two lots already we're just going for a lot line change in New Windsor, so lead agency letter was circulated, Cornwall assumed lead agency on it because they were doing the minor subdivision. They have completed their review of the project and on June 5 they gave final approval I think there was some minor conditions, I don't know if Mr. Edsall can address them, and a negative dec was adopted by the planning board in Cornwall and the entire plan was reviewed by Leslie Dotson and Garling Associates. So I'm here tonight as the hopefully at the end of the project asking for final approval, if any reasonable conditions are, the board wishes to put on it, I have no problem with that and this is really now just for a lot line change, the idea just the big picture here is when we purchased the property from the Goulds, it's three lots and we want to make it a total of four lots, but the lot line change is in New Windsor, the actual extra lot will be completely in Cornwall and that's already done and approved.

MR. ARGENIO: Okay.

MR. BLYTHE: The existing property here's Cornwall, these are the two lots in New Windsor and this is just the design's a little on the busy side, but it shows two houses that are in New Windsor, here's the Town line and then two proposed sites in Cornwall.

MR. MINUTA: Just a quick question. Are we subdividing, has this been subdivided to be each parcel being in one town?

MR. BLYTHE: That was one of the other ideas, exactly one of the objectives was to make sure that the Town line now takes care of it, that's exactly correct, so we have two lots which are now completely in Cornwall and two lots that are completely in New Windsor. As a matter of fact, right now the existing house has when it comes down is going to come down cause the Town line actually goes right through the house.

MR. ARGENIO: Cleans things up rather nicely. I was at the workshop for this a few weeks ago. The property's located R-1 zoning district, lot line change does not result in any compliance problems according to Mark's comments. We need to address number 3, I'll read it. Plan is substantially the same as those considered previously and I believe the board determined preliminary public hearing was not necessary. Myra can't seem to locate that paperwork, unless anybody disagrees, I'll accept a motion to waive that public hearing.

MR. VAN LEEUWEN: So moved.

MR. EDSALL: You're going to waive both public hearings, both preliminary and a final?

MR. ARGENIO: Okay, I'll accept a motion to waive both the preliminary and final public hearing.

MR. VAN LEEUWEN: Wait a minute, that's going too fast.

MR. ARGENIO: As somebody mentioned, Cornwall is lead agency on this, I'll accept a motion to that effect unless somebody--

MR. MINUTA: So moved.

MR. VAN LEEUWEN: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board waive both preliminary and final public hearing on the Blythe lot line change on Jackson Avenue. No further discussion, roll call.

ROLL CALL

MR. GALLAGHER	AYE
MR. BROWN	AYE
MR. MINUTA	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

MR. ARGENIO: I don't know if anybody has any other questions, this is relatively simple, relatively straightforward, Cornwall is lead agency on this. Mark certainly has a few comments that I'll read in subject to, there's nothing.

MR. EDSALL: Could you just for the record the Town of Cornwall Planning Board as lead agency circulated a negative dec that's on record with the Town of New Windsor.

MR. ARGENIO: Do we need to adopt that?

MR. EDSALL: I don't know that you need to adopt it but acknowledge it and indicate that you concur with their

findings.

MR. ARGENIO: I'll accept a motion to that effect.

MR. VAN LEEUWEN: So moved.

MR. GALLAGHER: Second it.

MR. ARGENIO: Motion has been made and seconded that the New Windsor Planning Board adopt concurrence with the Town of Cornwall's negative dec. If there's no further discussion from the board members, roll call.

ROLL CALL

MR. GALLAGHER	AYE
MR. BROWN	AYE
MR. MINUTA	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

MR. ARGENIO: Does anybody have anything else here? I'd like to see this move forward, if there's no further discussion, I'll accept a motion for final approval.

MR. VAN LEEUWEN: So moved.

MR. GALLAGHER: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board grant final approval to the Blythe subdivision on Jackson Avenue. No further discussion from the board members, roll call.

ROLL CALL

MR. GALLAGHER	AYE
MR. BROWN	AYE

MR. MINUTA AYE
MR. VAN LEEUWEN AYE
MR. ARGENIO AYE

MR. ARGENIO: This is subject to Mark's comment number 4, which is as follows:

1. That the Town of New Windsor receive a copy of the street numbering memorandum from the Town of Cornwall Code Enforcement Officer.

2. That the applicant bond the private roadway in a manner prescribed by the Town of Cornwall; however, in no case shall the obligation be less restrictive than the requirements of New Windsor Section 252-27 (A)(8) of the Town Street Specifications. (Planning Board Engineer to coordinate with Cornwall.)

3. That the applicant submits a draft copy of the private road maintenance declaration, in recordable form, for review by the Attorney for the planning boards (agreement should be subject to approval of both towns).

4. That the applicant's engineer correct the plans to provide proper elevations for the drainage system depicted on the plans, and include such information on the private road profile.

5. That note #3 on sheet SD-2 be deleted (the properly worded note is #3 on sheet SD-1).

6. That the following notes be added to sheet SD-1 as notes #4 and #5:

"4. Within sixty(60) calendar days of the issuance of a certificate of occupancy for New Windsor tax lot 33.2 or 33.4, the owner or owners of the lots shall cause the complete demolition and removal of the existing dwelling depicted hereon, in a manner acceptable to the Building Inspectors of both towns."

"5. Driveways for New Windsor lot 33.4 and lots 1 & 2 in Cornwall shall be to the private road only; no direct access to the town road shall be permitted. A restrictive covenant to this effect shall

be included in the deeds of record."

7. That the Plan calls for the proper abandonment of the well for the existing dwelling.

8. That all fees be paid prior to stamp of approval (inspection fees must be paid prior to start of any construction work).

ROLL CALL

MR. GALLAGHER	AYE
MR. BROWN	AYE
MR. MINUTA	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

TOM_YU_SITE_PLAN_AMENDMENT_(06-16)

Mr. Richard DeKay and Mr. Tom Yu appeared before the board for this proposal.

MR. ARGENIO: Application proposes change in use from a retail operation to a mixed retail with an eating establishment. Previously reviewed at the 24 May, 2006 planning board meeting. Guys, this is the one over on Five Corners where he wants to put the ice cream stand, some anomalies about this site, Mr. Babcock, it's an improvement, I don't want to speak to you, Mike, is that correct?

MR. BABCOCK: That's correct.

MR. ARGENIO: You agree that it is an improvement, we restricted the parking on this.

MR. BABCOCK: We restricted the number of seats.

MR. ARGENIO: Restricted the number of seats. I'm going to go through Mark's comments for the benefit of Mr. Scheible and Fran to put in the minutes, this went to Orange County Department of Health.

MR. EDSALL: Planning.

MR. ARGENIO: I'm sorry, Planning, we heard back from them and their only concern was the access to Route 32 which we also have concern with, I think we talked about restricting an exiting vehicle to a right-hand turn only and I think that was the thrust of their letter as well. Is that correct?

MR. EDSALL: Correct.

MR. ARGENIO: Mark, do we need to declare negative dec under SEQRA for this?

MR. EDSALL: Yeah, it's a site plan amendment.

MR. VAN LEEUWEN: So moved.

MR. GALLAGHER: Second it.

MR. ARGENIO: Motion has been made and seconded that the New Windsor Planning Board declare a negative decision on the Tom Yu site plan, Route 32, Vails Gate. No further discussion, roll call.

ROLL CALL

MR. GALLAGHER	AYE
MR. BROWN	AYE
MR. MINUTA	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

MR. ARGENIO: I'm going to move on to number 4 and for benefit of the planning board members, I skipped presentation because he's presented twice on this simple basic plan but certainly if anybody wants him to explain anything on the plan chime in as soon as I get through these couple things here. I believe this condition, I'm reading from Mark's, I believe this application is worth considering conditional site plan approval with conditions as follows, final determination from the DOT for which we'll give him direction but we'll certainly want final blessing from DOT, bulk table, handicapped detail needs to be added, add a little striping, an estimate payment of fees. Guys, if anybody has any questions on this, please now's the time.

MR. EDSALL: I just want to make the record clear on the DOT issue because I don't want to make a condition of approval, if the DOT says no, leave it like it is, he's caught between a rock and a hard place that you have made a condition that DOT will not accept. My

suggestion is that you require that before he request a C.O. from the building department that he has something in writing from DOT clearly the Department of Planning and this board and myself all are concerned that it may be appropriate to put a right turn only sign in, we have forwarded to DOT and kind of clue them in that we think it might be safer.

MR. ARGENIO: This is the way we're heading, I agree.

MR. EDSALL: If DOT doesn't go along with it, it's no longer a condition of approval.

MR. DEKAY: Has it been submitted?

MR. EDSALL: It's been forwarded over and the reason we're making it a hook on C.O. it doesn't slow you down, it let's you keep going and we just need to get DOT to respond before you're ready to open up.

MR. ARGENIO: I'm in agreement with that.

MR. VAN LEEUWEN: Mr. Chairman, is a motion in order?

MR. ARGENIO: I think, Joe, do you have anything else on this?

MR. MINUTA: For the benefit of myself, can we just have a real brief, I don't have an understanding of the project.

MR. ARGENIO: I think you weren't at that meeting.

MR. MINUTA: I wasn't, can you just provide me a brief synopsis of what it is you're looking to do in your own words?

MR. DEKAY: Mr. Yu had a business there, a retail business where he sold cell phones and there was no seating, people would walk in, stand at the counter so

he's not changing anything outside, correct?

MR. YU: Yes.

MR. DEKAY: But he's changing inside, he's putting in 15 seats, two or three tables.

MR. ARGENIO: We restricted that too, Joe, he wanted more and based on conversations with Mike because of the limited parking we pulled the seats.

MR. MINUTA: So the seats are going to be fixed or seats are going to be movable?

MR. DEKAY: No, the seats will be added.

MR. MINUTA: Are they going to be fixed seats or like this?

MR. YU: Fixed seats.

MR. DEKAY: At a counter and at some, I think it's shown on that plan there.

MR. MINUTA: We have enough parking?

MR. BABCOCK: Yes, based on the seats, that's why we limited the number of seats.

MR. ARGENIO: We want to restrict that turn movement going out onto 32 to right hand only cause Mark and everybody here at that meeting kind of felt that left-hand turn would be a hazard.

MR. MINUTA: Absolutely, it's a great piece of land, problem with the access and the traffic cuing is very difficult.

MR. ARGENIO: Hopefully this business works with him.

MR. MINUTA: With regard to the building I'm seeing some landscaping, is that new landscaping proposed?

MR. YU: Yes, actually, I put it on myself something actually wasn't there.

MR. MINUTA: So you're enhancing the landscaping that's currently at the site?

MR. YU: Right, when you come to see you can see what I've got.

MR. MINUTA: Will you be doing anything with the building at all?

MR. YU: No.

MR. DEKAY: I'd like to make one comment, he had Certificate of Occupancy and there was no restriction on the right-hand turn so you're willing to go along with that, right?

MR. YU: Well, actually--

MR. DEKAY: They're all recommending it.

MR. ARGENIO: You need to do that.

MR. YU: Well, do I agree, actually, I was there since 1992 so actually I have the flower shop, I working 15 to 16 hours, I used to live in second floor which is over the floor shop, I know how many times they have car accidents, actually, when I see that only I saw only twice since 12 years people are really worried about so many car accidents, well, maybe the chairman maybe you can find out police department if he can find out how many accidents.

MR. ARGENIO: Mr. Yu, I can make this simple, that's fine, do you want to come back in front of us in six

months or so when we get that information cause we can certainly get that from the police department?

MR. YU: No.

MR. ARGENIO: The message is we're really trying to help you with this, we recognize that you're improving this, it's not great, we're not thrilled with it but we recognize the reality of the fact based on our input from Mike that it is an improvement from what's there now and that's what we're trying to do.

MR. YU: Okay, sir.

MR. VAN LEEUWEN: So it will be a right-hand turn.

MR. ARGENIO: You'll agree with that?

MR. YU: Yes, sir.

MR. MINUTA: I have nothing else.

MR. ARGENIO: Henry?

MR. VAN LEEUWEN: Make a motion to approve.

MR. GALLAGHER: Second it.

MR. ARGENIO: Motion has been made and seconded that the New Windsor Planning Board grant final approval to the Tom Yu site plan Route 32 subject to the following, Mark, help me with this if I misspeak, subject to Mark's comments and subject to the no left-hand turn sign being put up and Mark, can you speak about the state again in your own words?

MR. EDSALL: You're making the condition, the condition only applies if the DOT approves that restriction, it's their jurisdiction, even if everybody in the world wanted to have it and DOT said no, it's DOT's decision.

June 14, 2006

45

MR. ARGENIO: Roll call.

ROLL CALL

MR. GALLAGHER	AYE
MR. BROWN	AYE
MR. MINUTA	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

MC_ARDLE/MELROSE_LOT_LINE_CHANGE_(06-17)

MR. EDSALL: This is the one that the board was prepared to vote affirmatively on but because of the timing with the Orange County Planning Department you told the applicant--

MR. ARGENIO: Didn't have the response from Planning.

MR. EDSALL: You said don't bother coming back at \$3.00 a gallon.

MS. MASON: We did receive it.

MR. ARGENIO: So Mark everything has been, is it safe for me to assume everything has been done?

MR. EDSALL: This is a simple lot line change, you have assumed lead agency, you adopted a negative dec, you've waived all the public hearings, all you need to do is acknowledge that Department of Planning returned local action and approve it.

MR. ARGENIO: Myra has the response from the Orange County Planning Department, all this being said, I'll accept a motion to grant final approval.

MR. MINUTA: So moved.

MR. VAN LEEUWEN: Negative dec?

MR. EDSALL: Already been done.

MR. VAN LEEUWEN: I'll second it.

MR. ARGENIO: Motion has been made and seconded and that Town of New Windsor Planning Board grant final approval to the McArdle/Melrose lot line change.

ROLL CALL

June 14, 2006

47

MR. GALLAGHER	AYE
MR. BROWN	AYE
MR. MINUTA	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

DISCUSSION

RAKOWIECKI_SUBDIVISION_(01-26)

MR. EDSALL: I'd like to see the letter, I understand we received a letter.

MR. ARGENIO: I'll give you the two dollar version. It's a subdivision that's back here, he's been here for quite some time, he's been banging around quite a bit, he's got problem with his septic, whether it's going to be a pumping station or separate lift pumps, I'm not going to get into that, let somebody else smarter than me determine that. It's a phased project and he wants to go into Phase 1 which is this little box and he wants to cut his erosion control ponds in which we have allowed people to do before at some point in time. I anticipate probably want to get trees down, we have allowed people to do it at their own risk, they don't have approval and we have put a finite limit on the quantity of work they can do certainly they can't go build a subdivision and call us and say Mike, I need C.O.s for these houses. There's a finite limit on what they can do, very limited. Mark, can you share something with that?

MR. EDSALL: The area which the application Highview Estates is requesting permission to begin work is the area immediately adjacent to the extension of Ashley Court, an existing Town road with a cul-de-sac and in that area it's the low area of the site, they want to start working on water quality pond number 2, Phase 1 of the storm water management plan in conjunction with the basin, they want to grade and prepare Ashley Court extension, clearly there's no other place for the road to go because it's, it aligns with the existing Town road.

MR. ARGENIO: How many feet, 500 feet?

MR. EDSALL: At most, so you're looking to clear and grub that particular road, do some grading, put in some drainage, initial drainage and build the water quality pond.

MR. ARGENIO: What I said was if you're going to build a water quality pond, I want it built a hundred percent, I want the stone check dams in, filters in and want it seeded.

MR. EDSALL: And they're advising us that they have filed their notice of intent for the SPDES general permit so they are moving forward administratively, normally, I would say it doesn't make sense to authorize construction of roads unless you know that's where the road's going to go here, it's the only place for it to go because it's an extension of an existing road, I don't see any problem with it.

MR. MINUTA: All erosion control measures in place?

MR. EDSALL: That's what they want to start, start grading the road and the storm water.

MR. ARGENIO: Unless anybody has a problem, I'd like to--

MR. VAN LEEUWEN: So moved.

MR. GALLAGHER: Second it.

MR. ARGENIO: Motion has been made and seconded that the New Windsor Planning Board based on that letter that Mark received from the Rakowiecki people that we grant them permission to proceed with the erosion control pond complete and that first little strip of Ashley Court and just the rough grading of that area where the pond is and the Ashley Court Phase 1 there's no foundations, no curbs, no concrete, no sub-base, no blacktop.

1

2

3

June 14, 2006

50

MR. EDSALL: No fill of roadways.

MR. ARGENIO: Roll call.

ROLL CALL

MR. GALLAGHER	AYE
MR. BROWN	AYE
MR. MINUTA	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

CORRESPONDENCE:

QUICK_CHEK_-_REQUEST_FOR_90_DAY_EXTENSION

MR. EDSALL: It's a much shorter issue than the two page letter asking, it's very simple when you grant a site plan approval conditional there's 180 days to compliance. Applicant has the ability to ask for two 90 day extensions. They're requesting the extensions.

MR. VAN LEEUWEN: So moved.

MR. ARGENIO: No anomalies?

MR. EDSALL: Normal issues.

MR. GALLAGHER: Second it.

MR. ARGENIO: Motion has been made and seconded that the New Windsor Planning Board, did they ask for two or--

MR. EDSALL: They're asking for the extension request I suggest that just grant them the two 90's.

MR. ARGENIO: Motion has been made and seconded that the New Windsor Planning Board grant Quick Chek the two 90 day extensions that they requested in the letter from their attorney dated June 6. No further discussion, roll call.

ROLL CALL

MR. GALLAGHER	AYE
MR. BROWN	AYE
MR. MINUTA	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

PATRIOT_RIDGE

MR. MINUTA: On the erosion control issue, what the heck is happening down at Patriot Ridge?

MR. BABCOCK: We're going to get him tomorrow, first thing tomorrow morning.

MR. ARGENIO: Mark brought pictures.

MR. MINUTA: Silt is down there every time it rains, every single time.

MR. BABCOCK: Be there first thing in the morning.

MR. MINUTA: Is that going to be resolved upon completion?

MR. EDSALL: We can only hope and pray.

MR. BABCOCK: It's going to be resolved before they go any further, how's that?

MR. MINUTA: Thank you.

MR. ARGENIO: We happened to have a meeting with them and coincidentally the day before Mark and I met there over something it was pouring the day it poured and Mark called his guy and we came out and we took photographs, we didn't, Mark's guy did, and we went to the meeting, Mark starts dropping these pictures on the table and said guys, until you get this cleaned up don't call us, we'll call you.

MR. MINUTA: There's more silt going into the storm sewer than water.

MR. EDSALL: Keep in mind they have been asked numerous times by our office to get things straightened out and it's really got to the point now where it's quite

June 14, 2006

53

annoying and the icing on the cake it just happened again after we just got done showing them pictures in the meeting.

June 14, 2006

54

HESS

MR. MINUTA: What's happening with Hess?

MR. EDSALL: Hess had a couple open items on the plan that they're fixing and they're going to come in I guess and be done with it.

MR. MINUTA: Great.

MR. ARGENIO: Motion to adjourn?

MR. VAN LEEUWEN: So moved.

MR. GALLAGHER: Second it.

ROLL CALL

MR. GALLAGHER	AYE
MR. BROWN	AYE
MR. MINUTA	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

Respectfully Submitted By:

Frances Roth
Stenographer